A

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OF THE

LEGISLATURE OF MASSACHUSETTS,

OR THE

RIGHTS OF NEWENGLAND

VINDICATED.

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IN the late session of the Legislature of Massachusetts, two measures of principal importance were adopted. The one a proposition to amend the Constitution of the United States, by apportioning representatives among the States according to the number of *free* inhabitants; the other, to provide for the choice of Electors of President and Vice President by a General Ticket. To these measures much opposition was excited, and they have furnished, to the discontented and designing, new occasions for alarm and reproach.

A party exists in this State, whose hostility to those concerned in the administration of the State government, no moderation can appease; who, not content with the universal exclusion of our best and most experienced citizens from the honours and offices of the national government, are rancourously bent upon degrading their characters and destroying their influence at home. The leaders of this party, flattered by the success of their delusions, and anxious to obliterate the last vestiges of the honour and importance of their native State, will assiduously display these new pretexts for impeaching the motives and conduct of men, whose principles and firmness oppose the only obstacles to their schemes of self-promotion. Atrocious calumnies and absurd falshoods are propagated in slanderous newspapers and pamphlets, without respect to age, services or character; and neither labour nor expense are omitted to alienate the affections of the people from the principles they have been accustomed to revere, and the men, whom they have delighted to honour.

This party are encouraged by the neglect and contempt which attend their slander. They find that men, conscious of the purity of their views, will not consent to engage in the humiliating task of a perpetual vindication of their conduct. Such men, reposing with honest pride upon the uprightness of their intentions, generally content themselves with discharging their duty, while the scoffs, the falsehoods and the threats of boisterous pre-

tenders pass by them like the "idle wind." But events sometimes occur, which render this forbearance dangerous and even criminal. When the consequence of errour in publick opinion is certain ruin—when a people are upon the point of being cajoled out of the last remnant of their independence; of being cheated out of real liberty by those who assume its name to conceal their ambitious projects, it becomes the duty of those who foresee the danger to warn others of its approach, and to attempt to confirm the confidence of the people in their best friends.

The present crisis is of this description. The COMMONWEALTH WAS NEVER IN GREATER DANGER. It is in danger of losing its sovereignty and independence, of being bound in all cases whatsoever, and of being taxed without its consent. It is in danger of passing under the dominion of men who are strangers to the interests, and who deride the habits and institutions of New England. The danger is the more serious as it is not generally perceived, and approaches us in the midst of prosperity and avocations, too happy to fear, too busy to repel it. Already are we implicated in snares, which it is difficult to escape. We are parties in name to a confederacy, over which we have no influence, nor control, nor effective voice in the management of its concerns. Massachusetts is a cypher in the national councils, and the wishes and the policy of New England are only known as they furnish themes for the invective and the irony of those who rule the nation. To retrieve our consequence we are told *we must abdicate our principles*;—that our weight, to be felt, must be thrown into a scale which is much too heavy without it;—and that our only chance for future influence consists in silent acquiescence, or falsehearted applause, by which we may acquire the influence of Mutes and Parasites; such as the republicks of Europe, which have submitted to the guidance of mock-patriots, possess over the councils of the Emperour of the Gauls. But until the catastrophe of our degradation be completed, until all the honest pride of New England, and all the recollection of what she did and suffered in the common cause be effaced; while a hope remains of regaining our equal rights, and of preserving the Federal Union, it is the duty of each of her Legislatures to adopt such measures as may have a tendency to secure, to this section of the country, that share of importance in the national concerns, which is essential to the advancement of its interests and the protection of its rights. Of this description are the two measures in question, and a brief Vindication of them, founded on a general view of the State of the Union is now proposed.

By the constitution of the United States it is provided that Representatives and direct taxes shall be apportioned among the several states, which may be included in the Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. This principle evidently secures, to the qualified voters of a State possessing slaves, the right of choosing a greater number of Representatives in proportion to the free citizens, than is enjoyed by the citizens of a State possessing no slaves; so that twenty thousand proprietors of fifty thousand slaves have a voice in the elections equivalent to that of fifty thousand free persons, who are destitute of this species of property. The admission of this principle into our national compact, however wise, under the circumstances of the times, was unquestionably the dictate of necessity. The members of the Convention, from the Eastern States, consented to it as a choice of difficulties, preferring a partial sacrifice of their rights, with the chance of future remedy, to the hazard of losing the whole Constitution. In the same spirit, the principle was supported by the best talents of Massachusetts in the State Convention. But the arguments of the friends to the Constitution at that period, in defense of particular provisions, ought now to be estimated in relation to the great object which they wished to secure—The adoption of the entire system. It was a question between that Constitution and the old Confederation. They considered the former best beyond comparison. To secure this, they were obliged to confront the sophistry, the arts and the intrigue of the same party which had excited an insurrection in this state; was hostile to a national government, in every shape, and which foresaw the ruin of its own influence under any system, possessing energy sufficient to resist their cabals. These restless men objected to almost every clause of the new constitutional instrument, for the sake of protracting the reign of anarchy and of themselves. It might have been fatal to have admitted the justice of their arguments, even if *by accident they had happened to be right.* Strangers to candour, they would have availed themselves of the least concession, from their adversaries, for the destruction of the entire compact. It was therefore incumbent on the friends to a national government to defend, or at least to palliate the assumed principle of representation, against all objection, originating in a spirit of hostility to all government.

We may therefore safely conclude that the assent of the New England Delegates to the principle in question was reluct-

ant and no longer binding than while other States should adhere to principles, engrafted on the same instrument, and intended in some measure to countervail this glaring inequality. If then we find that the operation of this principle has already become so injurious to the Eastern States, that, by means of it, their influence is annihilated ; that they are, at this moment, the mere colonies of Virginia ; and if Virginia, not content with this advantage, has prepared the means of perpetuating her ascendancy, by procuring amendments favourable to her own views, *(a)* it becomes us to regard the actual state of things, independent of the circumstances which existed at the time when the constitution was adopted.

A very general view of the population of the union, of the relative situation of certain states to each other, and of the predominant policy of the present administration, will demonstrate, that the representative principle, as established by the constitution, has given *to the state of Virginia, which is the principal of the Southern States, a preponderating influence in our national affairs : that this influence will naturally be improved to the disadvantage of the northern States ; and that the measures of the Legislature of Massachusetts are calculated to counteract, in some degree this effect.*

The term *Southern States* is intended to include the States of Maryland, Virginia, Kentucky, North Corolina, South Carolina, Georgia, Tenessee, and Ohio. The term *Northern States* is intended to include Vermont, Newhampshire, Massachusetts, Connecticut and Rhode Island. The middle States are not taken into view in this comparison, for while they constitute an immensely valuable and important section of the union, they are not united by any common or peculiar interest, which inclines them to combine in a political system distinct from the rest of the confederacy. They are more likely, on important questions and measures, separately to espouse the policy of one, or the other of the great sections of the Union.

These Southern States are, and from the nature of things will be, cultivated by slaves, and their numbers must inevitably increase. Laws have been enacted, in all of them, prohibiting their importation, not with any expectation of abolishing slavery, or diminishing the number of slaves ; but on the calculation that the native stock might prove adequate to the exigencies of the country. Experience has demonstrated the inefficacy of these laws, as of all others passed in violation of publick opinions and repugnant to the habits of a people. The state of south Carolina has accordingly repealed the prohibition, it having appeared to the satisfaction of the Legislature, that it was utterly ineffectual to prevent the smuggling of negroes into the state, in

great numbers, to the injury of those, who conformed to the Laws ; and to the advantage of those, who infringed them. In short, the immense profits arising from the species of cultivation adopted by the southern states, afford irresistible temptation to this traffick, and it daily becomes more extensive in defiance of Laws, which cannot be enforced.

The whole number of slaves in the southern states just enumerated, is, according to the last census, eight hundred and forty seven thousand seven hundred and and forty eight. Deducting from this number two fifths, the remainder gives to their masters the right of electing fifteen representatives. *This number exceeds by one, the whole number to which Newhampshire, Rhode Island, and Connecticut, together are entitled, and is within two of the entire number of Massachusetts.* The number of representatives apportioned to all the northern states is thirty five, so that the negro votes *alone* in the choice of electors, and members of Congress, bear a proportion, to the votes of the free citizens of the northern States, of fifteen to thirty five ; and at the last election decided the choice of President of the United States. This proportion is constantly augmenting in favour of the slave owners. The climate, and prevailing occupations of the south are favourable to the black population.

If this fact be tested by comparing the last census with that which preceded it, it will appear that the population of the Northern States has increased in a ratio of twenty two per cent. while the number of slaves in the southern states has progressed in a ratio of *thirty five* per cent. *(b)*

In all those states without exception the slaves have increased, *but in a much greater ratio in the new, than in the old states.* In Georgia the number has more than doubled ; in Kentucky, it has increased from twelve thousand, three hundred and forty, to forty thousand, two hundred and forty three. In Tennessee, from three thousand four hundred and seventeen, to thirteen thousand, five hundred and eighty four. During all this period the importation of slaves has been *prohibited* by the laws of all the states ; and the prohibition, although very often eluded, has probably operated as a partial check. But new avenues from Spanish America, and a coast, which is too extensive to be watched by our revenue boats, are opened to this traffick by the acquisition of Louisiana and through south Carolina.

The trade will now be renewed to a very great and deplorable extent. Myraids of enslaved wretches will be annually imported into the United States, who destitute of all political rights confer upon their purchasers the most important rights, those of suffrage, and of sovereignty, *and every five of whom, upon any difference of policy or division of votes between the south and north,*

may be considered as effectively balancing the votes of two New England Freeholders.

In addition to this radical evil it should be remembered, that each state has two votes in the Senate of the United States; that the catalogue of new states has been extended by the policy of Virginia, and that her local situation gives her an unlimited control over the immense western territory, which will be divided into states at her pleasure, and will realize towards her from the time of their birth, the affections and prejudices of children towards a parent. A country has also been purchased by the President for fifteen millions of dollars, of an immeasurable extent, of which the most that is generally known is learnt from the President's Minister at the French Court, and the governour appointed by the President to rule over this territory. The former has officially announced, that it can be cultivated by slaves *only*, and the latter in a communication to the President, laments that the people are strangers to our ideas of Government and unqualified to govern themselves.—We are told by others that the centre of this newly acquired world, is further from us than some of the West India Islands, that some parts are more distant than Europe, and that the fertility and natural advantages of the parts already explored, invite a rapid population. The settlements now established, are said to contain a motley race of all nations and languages, and will afford an asylum to hordes of foreign fugitives and vagabonds, whose emigration to our country, is encouraged by the prevailing policy, and who, by the terms of the cession, will be entitled to the privileges of citizens of the United States, and will become clamorous for admission into the Union. *(c)*

Thus we perceive that the Virginia policy has entrenched itself behind the most formidable ramparts. States can be multiplied at her pleasure with as much expedition as townships are incorporated in New England, and stocked with voters more easily than we can stock our farms with cattle. Does it not incontestibly result that these circumstances have a tendency to deprive the northern states of all interest and consideration in the national Government? that without some exertion, we shall be ingulphed in a vortex of politicks and interests alien to our own, and that the voices of our Representatives will be drowned amid the discordant jargon of French, Spanish, German and Irish delegates, chosen by slave owners, in a disproportionate ratio, and compelled to submit their own crude and monstrous conceptions of political subjects to the control of the wary and intelligent few, who must requite them for their support by sacrifices to their prejudices and passions?—

In such a state of things, to which we are rapidly hastening, what will become of the interests of New England? Of her Commerce, her Manufactures, her Fisheries, the fruitful source of that capital to which the farmer must ascribe the increasing value of his lands and of the produce? Where shall we find the liberty and independence for which we began the revolution, or the federal equality, which it was the professed object of the present constitution to secure?

Of all the defects and abuses in the Government of great Britain, none has afforded more ground for censure than the unequal representation of the people in Parliament. Populous and commercial cities are not unfrequently debarred from the privilege of election while rotten and depopulated boroughs are in some instances represented by several members.—The analogy, in this particular, between the cases is strong. New England, the seat of commerce, of industry, of wealth and active strength, is gradually losing her relative weight in the general delegation. Her ancient rights, like morning clouds, are passing beyond the mountains to fall in prolifick showers upon the territories of Ohio, of Indiana—of Missisippi—of Louisiana and of the Pacifick ocean. If it were to the banks of the Kanhawa, and the Muskingum, to the forests of the Cherokees, the Creeks—and the Chickesaws; to impenetrable glens, and trackless desarts, that we should look for the perfection of political institutions, and the knowledge of our peculiar interests, it would be of no consequence to retain an efficient voice in the national councils. We should have only to gather the manna as it might fall from Heaven. But if in our vastly extended confederacy, conflicting interests and views will naturally arise, which require that each section of the union be fairly represented, it is manifest that the people of the Northern states will be effectually disfranchised, and that Representatives chosen by such distant electors will have less affinity between them, than exists between a member of Parliament from old Sarum, and the flourishing towns of Birmingham and Manchester. *(d)*

Should the inquiry be made wherefore these ambitious views are imputable to Virginia, rather than to any of the Southern states, many reasons might be assigned to shew, that she will always consolidate, within her own grasp, the influence and power which may be lost by the rest of the confederacy. She is the largest, the most populous, and the most ancient member of the Southern family. The state of Kentucky, formerly a part of the ancient dominion, retains a filial attachment to her laws, habits and institutions and may in fact be still considered, in relation to the federal Government, as constituting one state of

a magnitude, according to Mr. Jefferson "exceeding by one third, the Islands of Great Britain and Ireland." Virginia is also bounded upon Pennsylvania, Maryland and North Carolina.

Each of these states, as well as South Carolina, Georgia, and the new state of Ohio, and *the territories,* swarm with settlers and emigrants from Virginia, who retain their attachments, and prejudices to the parent state. These circumstances, and above all, the respect commanded by the claims of antiquity and the habit of arrogating the highest pretensions to political skill, and overrating all her advantages, have given to that state a decided influence over the policy and interiour arrangements of her neighbours, and have taught them to regard her as an infallible model in politicks and government. *(c)*

Success has inflated pride and inspired an universal spirit of domination and aggrandizement, unknown in other states. Jealousy of the commercial states has contributed to increase this propensity; the government of the state has been from the beginning *an aristocracy of planters.* No amount of *personal* property constitutes a qualification for an elector. An habitual contempt has been cherished of the mercantile class, which formerly consisted among the Virginians, merely of foreigners. The planters are a class of citizens widely different from the farmers of New England. Many of them occupy vast tracts of poor land, and have been accustomed to live among their vassals in a style of feudal hospitality, and mimick grandeur.*

The poorest among them, consider personal labour a *disgrace.* Immense plantations have become, in the language of the Country, *old field,* exhausted by the mode of cultivation, by luxury and indolence. In the Eastern states the riches acquired by commerce have enabled the possessors to outvie this ancient nobility in style of life, and to diffuse among the cultivators of the ground the means of improving in agriculture, and procuring in abundance the comforts and conveniences of life. A New England proprietor of one hundred acres of good land possesses more ample means of enjoyment, than a Virginian proprietor of five hundred. Hence are discernible in the conversation and character of her citizens, an inordinate jealousy and envy and sometimes an affected contempt of these advantages. Hence proceeds an universal propensity to puff and extol the merits and talents of their own citizens, and the superiority of their laws, and usages, at the expense of all other persons and states. Hence the known indifference, not to say enmity of Mr. Jefferson to commerce and manufactures; *(f)* and finally to this

* Some of these remarks apply to the *Atlantick part* of Virginia only; but throughout the state the lands are not liable for debt.

source may be traced their pretensions to give laws to the union, and to perpetuate in their own state the election of a Virginian President.

It being thus evident that Virginia possesses this great influence in the union, it is equally true that her leading men are sufficiently inclined to exert it, and have concerted the means of regulating all publick measures by a cabal of their particular adherents.

The affairs of the nation are now actually conducted by a combination, of which Virginia is, of course, the head. The existence of this cabal was by no means doubtful with those, who had attentively observed the course of events for many years; but it is now established by positive, and undeniable testimony. PIERCE BUTLER Esq. a senator of the United States from South Carolina, in a letter to the Governour of that state remarks as follows.

"I had not long been in Senate, since my last election, before I perceived a combination among certain large states, unfair in itself, and dangerous in its consequences, to the rights of other states; they hold evening meetings, to decide what shall take place or prevail in Senate. Into this combination they have drawn two or three of the small states and by this combination nothing is suffered to come *fairly* before Senate, that is not either brought forward by one of the party, or has not their previous sanction. To such a state of things, I could not—I cannot—I will not submit—without expressing both my concern and disapprobation—concern, because I expected a very different conduct from gentlemen with whom I hoped to have been in unison—disappointment at finding these men, who before a revolution in the publick mind took place, possessed a jealous regard for equal rights, now in power, the first to subvert the principles of which they wished to be thought the advocates.

I request, Sir, you will lay this letter or a copy of it before the two Houses.—I will indulge a hope that the Legislature may not by any present impressions, be hurried into a measure which places states, on an unequal footing in the confederacy."

The writer of this letter is a distinguished citizen who left the British Army in which he was an officer, warmed with an enthusiasm in the American cause, and during the revolutionary war, and until the writing of this letter enjoyed the confidence of the state of South Carolina, and had been repeatedly a member of the state and Federal Legislatures. He was considered among the most zealous partisans of Mr. Jefferson, *(g)* and had a considerable agency in effecting his elevation to the presidential chair. Mr. Butler was prepared to support the measures of the

administration, presuming they would comport with the high professions constantly made by his party, of zeal for the publick welfare, of moderation, and of candour.

But he soon discovered his mistake. He finds that the management of affairs is seized by "*a combination of certain large states*," and that the measures of government are arranged in nightly conclaves. The Senate, of which he is a member, he finds degraded to a Register's Office, used merely to record the measures, which may have been predetermined at these meetings; and the members from the small states to have become mere pageants, intended for dumb shew, and for conferring an apparent solemnity upon the mockery of legislation. His candid mind revolts against practices so discordant with his expectations, and the engagements of his party solemnly made before their accession to power. He refuses to become a dupe to their projects, and informs his state, that it is considered as a satellite of certain large states, and that those in power, among whom he was so lately a conspicuous individual, are the first to subvert the principles, which they professed to advocate.

This letter of Mr. Butler is a precious document, a warning voice, which appeals loudly to the understanding, and to the sentiments of every New Englandman. It exhibits, at once, the system of the Virginian leaders, and a confidence of success, which enables them already, to shake off and bid defiance to those of their own party, who are too proud or too honest to abandon themselves to their dictatorial policy.

In confirmation of this aspiring spirit on the part of Virginia, the whole history of the opposition to the administration of Washington and Adams, might be usefully reviewed. To this source is attributable all the embarrassments of the government, and discontent of the people, the jeopardy of our peace the insults and humiliation to which we were exposed, and the expence incident to a state of impending war. But this undertaking would be inconsistent with the proposed brevity of this sketch. It must suffice to remark that while the conduct of the Virginian party has demonstrated their motives and views, their success has evinced the extent of their influence. A great portion of the people, even of New England, are beguiled from their natural attachments to their old, and tried friends. What people were ever more unanimous in their approbation of Washington and of Adams and of all their measures! What experience of publick prosperity, of increasing commerce, of flourishing agriculture, of impartial justice, and of national honour, could have more fully justified their confidence! Happy at home, respected abroad, the citizens of New England be-

held the national government actuated by federal principles, and raising the country from a state of disunion and depression, to honour and happiness! Yet with a full experience and perception of these blessings, many have been persuaded to distrust the evidence of their senses, to withdraw their confidence from those, who promoted their welfare, and to bind themselves as hewers of wood and drawers of water to the "*Ancient Dominion.*" Among our own citizens we find Virginian apostles and prophets, who at home are not ashamed to support her policy and her pretensions, while they feel and confess when abroad the danger of this ascendancy. *(h)* The success of this system will seal the ruin of the Northern States. The commerce of the country, already over burdened will sink under the weight of additional imposts. Those taxes, which are the most equal in their operation in all parts of the union, will be disused. The settlement of our new lands will be discouraged by allurements to regions of greater promise and fertility.

The men naturally destined to populate the District of Maine, the vacant lands of New Hampshire, and Vermont will be enticed to the new paradise of Louisiana, which, after a few more jubilees, will throw off its allegiance to a government too distant to compel obedience, and unite with a country beyond the Allegany in the dismemberment of the nation. The sinews of NewEngland will be drawn out to invigorate new settlements in countries, which God and nature have made it impossible to unite under one government, for a length of time.; and *our monies* will be expended on post roads, which for years to come, must be chiefly traversed by wolves and catamounts. But these mischiefs however fatal, and accompanied, as they probably will be, by a substitution of philosophical whims, for national establishments, are the least, which will result from the supremacy of one state over the rest.

Men of worth and honour never will consent to be instrumental in supporting such a system as this. Recourse must be had to selfish and aspiring Zealots, who will fill the departments of Government, and depend for their support upon the passions of the worst and most violent part of society. In fact the deluded, the selfish, the discontented, and the indigent will be organized into regular hostility against the moderate, the wise and the virtuous. The same consequences will be realized *here*, that have resulted, in other countries, from the predominance of an exasperated mob. It will commence with plunder; be prosecuted with proscription, and end with despotism. *(i)*

The proposed amendment is intended to retard this ruinous catastrophe, and perhaps to prevent it forever, by applying a

remedy to the source of the evil, in reducing the disparity in the national representation. It is inconceivable, that any friend to the Union, and to this section of it in particular, should oppose so reasonable a proposal. What though it should not finally be ratified by the constitutional number of states. It will still indicate to Virginia, the apprehensions, and sensation excited by her conduct, and may induce her to exhibit some respect to our rights and feelings. Among her own citizens are many great and good men, who like Washington, have uniformly perceived and advocated a liberal and enlightened policy ; and who are friends to a federal Government on just and equal principles. It is probable also that the other southern states may be aroused from their state of passive obedience, and have the magnanimity to renounce apparent advantages which are of far less importance to them than the peace and harmony of the Union. What though we may expect that the ratio of direct taxation may be increased ? it would then be equal and go hand in hand with representation.

It is unjust to desire more. But direct taxation will be resorted to only in cases of necessity. When Liberty is ravished from us, whether by a single tyrant, or a sister state, means will never be wanting to tax the industry of New England to its last gleanings. *(k)*

It would be a loss of time to consider in detail the objections urged against this amendment. The friends of the constitution are aware of the inconveniences arising from the habit of amending this solemn compact, and have always opposed the *beginning* of the evil, and were content to abide by all its inconveniences. But an amendment has been recently made, which destroys the most valuable feature in the constitution, renders the election of President dependent hereafter on the will of a single state, and converts the Vice President into a creature of intrigue, and corruption. Virginia will soon become the Austria of America, and the office of President will soon become perpetual, if not hereditary in that circle. Two objections only appear to be worthy of comment, and those rather from their sophistry than real weight.

It has been contended that negroes are human beings, and that the privation of their political rights is a local regulation, which, furnishes no objection to including them in the computation of voters and which does not equally apply to women and minors. But it is obvious, that women, and minors are found in proportionate numbers in all the states ; and of consequence their admission to the right of suffrage, or the exclusion from it may be equalized. It is not so with slaves ; in some states they

exist not at all, in others but to a very limited extent, and they do not in common reason confer any higher rights upon their owners, than a peculiar breed of sheep or cattle.

It has also been said with seeming gravity, that labour being the true source of national wealth, representation ought to be apportioned to the number of labourers. But the labour of slaves is not more the source of national wealth than the labour of oxen; and consequently every inference from this hypothesis, falls to the ground.

The same general policy, which sanctions the proposed amendment, affords a justification of the mode adopted for the choice of electors of President and Vice President. By this mode every qualified voter is authorized to vote for the whole number of electors with the single restriction, that one at least shall be chosen from each district of the commonwealth. All the advantages which it is possible to combine, in a popular election of numerous officers are thus secured to the great body of the People, while the inhabitants of each District are at liberty to vote for their favorite candidate in every other District. Each District thus becomes sure of the election of the candidate preferred by a majority of its own voters, if he happens to be acceptable to a majority of their fellow citizens, throughout the state; and if otherwise, it is still assured of the choice of a respectable character resident in the District. It has however been represented as a grievance, and a restriction upon liberty to permit the whole people to vote for all their electors, instead of confining them to the choice of one. The whole foundation of the objection rests upon the fallacious notion, that peculiar rights are attached to separate districts. But the districts are merely topographical arrangements, made by the Legislature, and varied at their discretion, consisting frequently of towns and counties, which have the most opposite political and personal attachments. The national constitution recognizes nothing of this districting principle. It is a confederacy of sovereign independent states, varying greatly in population, manners, magnitude, institutions and interests, and it was formed for the express purpose of reconciling and directing these, *without reference* to any local sub-divisions; and with the further view of securing to each state, *as an integral part of the Union*, as large a portion of its influence and rights, as was consistent with a delegation of the power necessary for a national government. The advantage secured to the large states was a more numerous representation in one branch of the legislature. The advantages reserved to the small states were an equal representation in the senate, and a right of appointing the Presidential Elec-

tors, in such a manner, as secures to each of them the full effect of an undivided vote. It is, accordingly, provided by the Constitution, that each *State* shall appoint in such a manner as the *Legislature thereof may direct*, the Electors for President and Vice President. The right is to be exercised by *the State* ; that is, in such a manner that the voice of the State may be ascertained, and produce its utmost possible effect. Upon any other construction, the right of directing the appointment of Electors, as reserved to the State, would be merely nominal. The object of the majority might be constantly defeated by the minority. The votes of a single District, united with the votes of other States, might, and frequently would decide an Election, contrary to the votes and sense of all the other Districts in the same State ; and thus the State would become absurdly instrumental in defeating, instead of promoting its own views. It would thus be indifferent to Massachusetts whether her own legislature, or that of Rhode Island, directed the manner of appointing electors.

Pusuant to this obvious intention of the constitutional compact, it is further provided, when, in the event of a failure in the choice of a President by the people, the election devolves upon the House of Representatives, " that the votes shall be taken by states, *the representation from each state having* ONE vote." Here the principle of obtaining the voice of the state, one and indivisible, is exclusively regarded. The vote of a member from Middlesex, or Berkshire, dissenting from his colleagues, would be lost ; and it is not to be presumed that those, or any other districts, can claim a right to frustrate the wishes of their own state, in one case and not in the other.

The general practice of other states in the Union is conformable to this construction. In all of them, two only excepted, at the last election, the electors were appointed either by the Legislature, or by the people at large, according to the mode we have now adopted. Had Virginia appointed her electors by districts, many of them, even in that state, would have voted for a New England candidate. The Legislature of Pennsylvania have lately resolved upon a general ticket, and a club of their own members, have formally and openly nominated the electors. Where a duty is enjoined upon a Legislature it is a solecism to contend for such a mode of performing it, as will not secure to their own majority, nor to a majority of their constituents, a desired object, but probably carry into effect the projects of those who are *most decidedly* a minority of both. It would be a ridiculous novelty to behold a Legislative assembly deliberately making laws to disappoint the views and wishes of

its own constituents, and promote the designs of another state. This however is an excess of civility which might be expected from us, if our territory were adjacent to Virginia, and which is demanded of the conquered republicks of Europe, by the victorious French, but which we are not yet compelled to exhibit. It would swell these sheets beyond their intended limits to enlarge upon the futile objections made, in detail, to this mode of election, and it would imply a distrust of the understanding of the people. It is true they may be called upon to vote for characters, some of whom they may know only by reputation; but they may always vote *for one candidate of whom they have a personal knowledge, which would be the extent of their privilege if the commonwealth were divided into districts.* In most of the great and in many of the ordinary concerns of life, in the choice of publick and private agents, we depend upon the information derived from others. How many of us are personally acquainted with the Governour? Are we not compelled to take upon trust the virtues and qualifications of the President himself? And is not our employment of clerks, of factors, and of preceptors, frequently regulated by general character, and the opinion of others; This objection comes ungracefully from those, who have so long and so exclusively claimed the right of "instructing the people," whose infallibility can establish not only the merit of men, but of creeds; who canonize and excommunicate, convert hereticks to saints and interdict refractory states from communion with the faithful. *(l)*

The United States exhibit to the world at this moment an interesting and fearful spectacle. All the republicks of ancient and modern times have crumbled into dust. Not a solitary vestige remains of the temples and altars, which have been dedicated to the equal rights of mankind.

Those republicks which depended upon their own intrinsick force have fallen a prey to faction, sedition, licentiousness, and anarchy. Those which have confederated for mutual protection and defence, have been rent asunder by the ambition of the great to tyrannize over the less. One prevalent cause of ruin has been common to them all; a departure from the maxims and institutions of their wise and virtuous founders, accompanied with a blind confidence in their selfish flatterers. We have fondly imagined that some peculiarity in our situation and character will exempt us from this universal destiny. Our ears are tickled and our vanity soothed by consolations arising from our distance from the old world, and our habit of conceiting ourselves to be the most enlightened people on earth. But what avails our distance from Europe while our passions are enlisted

in its broils and tumults, and while an intercourse with it is easier than it is between portions of our own country? What security results from the progress of knowledge among us while hordes of ignorant and violent banditti, flying from the scourges and gibbets of the old world, swarming into various parts of the country, are speedily admitted to a full possession of our political privileges, and diffuse the contagion of their passions and errours among our citizens, and overwhelm and out vote those, who attempt to check their career? *(m)* The real founders of the American union are those who framed the federal constitution; and those whose talents and exertions, procured its favourable reception in the several states. These men have fully redeemed every pledge, made by them to the people, of the advantages embraced by the constitution. During a period of twelve years it was administered under their auspices, and the country experienced a constant progression in prosperity and opulence.

Peace was preserved amid tremendous scenes, and events which shook Europe to its centre and swept away its liberties. In the course of this eventful period the destinies of all these new fangled republicks have been fulfilled, precisely as they were expected, and foretold by these experienced statesmen, and contrary to the predictions of the antifederal leaders. The republicks of Holland, of Italy, of Switzerland, and of France itself have flitted away like blood stained spectres, pursued by an angry demon, and have plunged together into one horrible abyss of despotism. Yet strange to tell, mistaken prophets and antifederalists have wrested the Government of the country from the hand of those, who framed and administered it with such success, and whose discernment and foresight have been so fully justified. They have in many of the states persuaded the people that the Federalists are inimical to their own offspring, and that themselves alone are the legitimate guardians and protectors of an infant, which they attempted to strangle in the cradle. For the influence of WASHINGTON, they have substituted the influence of hireling printers, of libels, and of terrour. We have made more haste in banishing the founders of the Republick from its honours and offices, and in discarding their system of government than any other people ever did. We are the only republick remaining on the face of the globe; and securely dream, that our publick virtue and patriotism will perpetuate this blessing, at the very moment that we abandon those men, who have formerly ranked highest in our estimation of virtue, and of patriotism. What satire can be more severe upon republican Government than the admission of the fact that the devotion of a

long life to its service is no test of attachment to its principles; and that the success of measures is no evidence of their wisdom? Yet this is the practical satire of those, who have changed the administration of the union and who aim at changing that of the commonwealth. It remains for New England to maintain the ground of true republicanism, and to preserve the union by claiming her rights. It is much more than probable that to her, Virginia may yet be indebted for protection against the confusion incident to her system, and that the present administration must look to her for defence against the vipers, which are now cherished in her bosom. Candour forbids us to entertain an opinion, that the principal characters of a great state, men of education, and of property, or the mass of its citizens, plot the introduction of anarchy and civil commotion, or that the administration would willingly promote a crisis, which would prove fatal to themselves, as well as to their opponents. But Virginia may excite a tempest which she cannot allay. Exempt herself from any of those formidable collections of people, who constitute the "mob of great cities," she sanctions doctrines which foment the passions of an increasing mob imported into other states, and which may produce a terrifick reaction upon her own slaves. There is already much reason to apprehend, that the administration will be endangered by the violence of some of its present partizans, whenever it shall refuse to make the least sacrifices to their claims and rapacity. A disposition, by no means equivocal, to urge the democratick leaders beyond the dictates of their consciences and inclinations is already manifested in Pennsylvania; and the history of the world and of our own times is replete with instances of the compensations required by faction of its leaders, for investing them with "a little brief authority."

These general considerations merit the attention of all, who are really attached to the federal Constitution, and to the tranquillity of the country. No injury can arise from an attempt to preserve the balance of power among the states; and while New England submits to the constituted authorities, and cheerfully supplies an immense revenue for the benefit of the south, let us endeavour, at least to be fairly represented. Should the alarm which is so generally felt at the prospect before us prove groundless, still no inconvenience can arise from a fair precaution; but if otherwise; if we are really in danger, from the ambitious projects of a sister state, let us not aggravate the misfortune, by the omission of any constitutional means of escaping so great a calamity.

The friends to the proposed amendment have been charged

with a disposition to dissolve the Union ; but the accusation is entirely unsupported. Wherein does this proposal indicate such a disposition, rather than the amendment already adopted ? Is it not the strongest of all possible proofs of the preponderance of the Virginian influence, that one party may propose an amendment, which it adopted by the states under that influence, without a moment's delay, while those who suggest amendments, rendered necessary by the first, are stigmatized as unfriendly to the union ? Who are the *opponents* and who are the *advocates* of the proposed amendment ? Are the former the same persons, who have uniformly eulogized the progress of the French revolution ; the same who were once called antifederalists ! The same who have since arrogated the name of Republicans ; the same who were the revilers of Washington, while he lived, and now advance their pretensions under his name and influence ? Are they the same men, who are assiduously attempting to revolutionize Massachusetts, and who, if successful, are pledged to submit the policy of the state to southern leaders ? And have they nothing to gain, if their labours be crowned with success. Are not the *latter*, the men who have been the friends of the former administrations ? The farmers, merchants and mechanicks, who have attained a prosperity equal to their most sanguine wishes, under the government of the Union. Crimes are not committed without inducement, and an attempt to dissolve the Union would be a crime of no common cast.

Before we believe the friends of the amendment must be punished for such a crime, let us be sure that the crime exists. What benefit can be hoped from the national compact ? None are so ignorant as not to know that it must be attended with the annihilation of publick faith ; with the destruction of property, and with the most violent and relentless of commotions and wars. Are the friends of this amendment attached to the product of their toils ? Then surely they will not pursue measures which must end in passing it into the hands of others. Are they attached to their families ? Then surely they will not originate scenes, in which ravishment and butchery may be acted before their eyes. The importance of the Union is well known, and is truly appreciated. There is no disposition in New England to disturb it, nor any wish to interfere with the local policy of the southern States. Let them ever manage the slave trade as they please ; it is their own affair. But let not *the rights of the New England Yeomanry depend on importations from Guinea.* Let the southern States throw off their Virginian manacles, and unite with us in an enlarged and liberal system of national government. The union will, *in fact*, cease to exist, if all its pow-

The Dissolution of

ers be consolidated within the grasp of a single state ; and it would then cease to exist, even *in name*. The southern States are not less interested in this event than New England itself. Between New England and South Carolina, there has often existed, and especially in "the times which tried men's souls," a general affinity of views and of measures. This affinity is founded on principles not likely to change. She is rapidly becoming a great and opulent commercial state, with resources of a more permanent and productive nature than are possessed by Virginia. The state of Georgia is also advancing, in like manner, in population and commerce. It as highly behoves the extremities of the Union to cultivate a good understanding with each other, and to cooperate in restraining the ambitious and capricious policy of the dominant party in Virginia. Those States are deeply interested in the advancement and protection of the commerce of the nation. Their growing staple will require new markets, and extensive means of conveyance and defence. There is no natural cause of opposition or hostility between us, and it is to be hoped that they will have the wisdom to discern the *artificial* causes, which have a tendency to annihilate their importance and to raise a COLOSSAL POWER, on our COMMON SUBJUGATION.

APPENDIX.

(a)

The Amendment, introduced into the Constitution of the United States, secures to Mr *Jefferson* his election to the Presidency for life. The only grounds for adopting it was the danger which arose, on the last election, from a competition with another man. Our future Presidents will be chosen agreeably to a nomination by a *caucus* of Members of Congress, who will be under the influence of Virginia.

The salaries at present paid to Federal Officers, who are natives of Virginia *(exclusive of those whose duties are local within that state)* amount to upwards of seventy six thousand dollars per annum; while those paid to Officers of the same description, from the *whole of the Northern States*, viz. the Secretary of War, Attorney General, Associate Judge, and Potmaster General, do not exceed fifteen thousand dollars.

(b)

	FREE 1791.	SLAVES 1791.	TOTAL 1791.	FREE 1801.	SLAVES 1801	TOTAL 1801.
Vermont,	85,523	16	85,539	154,465	none	154,465
New Hampshire,	141,727	158	141,885	183,858	8	183,858
Massachusetts,	475,327		475,327	574,564	none	574,564
Connecticut,	235,182	2,764	237,946	25,051	951	251,002
Rhode Island,	67,877	948	68,825	68,742	380	69,122
New York,	318,796	21,324	340,180	545,441	20,613	586,054
Maryland,	216,692	103,036	319,728	241,985	107,707	317,848
Virginia,	454,983	292,627	747,610	538,748	346,968	885,716
Kentucky,	61,247	12,430	73,677	180,612	40,343	220,955
North Carolina,	293,179	100,572	393,751	344,807	133,296	478,103
South Carolina,	141,979	107,094	24,973	199,440	146,151	345,501
Georgia,	53,284	29,264	82,548	102,987	59,699	162,686
Tennessee,	32,274	3,417	32,691	92,018	13,584	105,602

Free population of New England in 1791, was 1,005,636
Do. in 1801, was 1,231,680

226,044 } Gain, upwards of 22 per Cent.

Slaves in Southern States in 1791 was 648,440
Do. in 1801 was 847,748

199,308 } Gain upwards of 30 per. Cent. instead of *thirty-five* which is an errour.

(c)

See Mr. Livingston's famous Memorial, and Governour Claiborne's letters, published in all the federal papers, and not denied.

(d)

The borough of old Sarum, as it is called, in England, contains at present, but one house, but sends two Members to Parliament—while the town of Manchester, containing 12,000 houses, and Birmingham, containing 8,000 send none.

(e)

When the federal Constitution was under debate in South Carolina, Judge Pendleton, a respectable citizen, rose, and moved to adjourn the proceedings, until they should know what had been done in *Virginia*. The motion was not adopted. But it shews the habitual deference of influential men to the Virginian example.

(f)

Mr. Jefferson, in his notes on Virginia, observes among other things, that "Corruption of morals is the mark set on those, who not looking up to heaven, to their own soil and industry, as does the husbandman, for their subsistence, depend for it on the casualties and caprice of customers." Again, "While we have land to labour, let us never wait to see our citizens occupied at a workbench, or twirling a distaff." See the whole chapter, page 239, which is a libelon manufactures and written to prove that our citizens ought not to be artificers or manufacturers. It is indeed a very silly chapter, but it is not the worse for that, with many people. Does not a husbandman depend on the casualties and caprice of his customers, or is he only honest, while he devours what he raises, and a rogue, the moment he has a barrel of pork or bag of corn to sell to a capricious customer?

(g)

When Mr. Adams was chosen President, PIERCE BUTLER, Esq. resigned his seat in the Senate through mere disappointment at Mr. Jefferson's failure. He is therefore a good witness. Mr. Elliot, of Vermont, who was chosen by the Democrats, upon going to Congress, found he must either make a surrender of his conscience, or come to the "right about." He chose the latter. If any doubt is entertained of the high tone of the *Virginian Junto*, bring General SKINNER, General VARNUM and PERES MORTON, Esq. into court, and let them be sworn. The oath may be administered by 'Squire SEAVER.

(h)

It is an undeniable truth, that the members from New England, even when united, have no more influence in Congress than they have over the Conservative Senate of France. If a measure be agreeable to the gentlemen from Virginia, our members may help increase the majority; but if otherwise, they may as well be at home. If there ever was an honest claim upon a publick body, the claim of payment for the *Georgia land* is of that description. It was supported by the delegation from New England, with scarcely an exception, and indeed a large majority was in favour of the claim, and leave was given to bring in a bill; but the Virginians were opposed to the measure, and the claim was postponed. But this is a long story, which will make a little book of itself. *There is a season for every thing.*

(i)

The following extract from the Boston *Chronicle*, of the 9th of July, shews pretty clearly the objects of a certain party. "There is no natural right that one man should have more property than another. Those things are merely conventional; and if individual states are a going to erect themselves into bodies corporate, to demand a more just equalization of state rights, it is high time that individual persons should demand a more just equalization of personal circumstances. Begin anew; start fair, and see who comes out foremost in the second heat. Are the mercantile gentry from Essex ready to shell out?"

In this paragraph is condensed the whole creed, object, sentiment and soul of Jacobinism.

(k)

One of the most powerful instruments made use of, in wresting the government from its former administration, was the *land tax*. This has been called an oppressive measure of the Washington and Adams Administrations. But the fact is, that on recurrence to the debates of the House of Representatives, it will appear, that the land tax was originally the measure of *Mr. Gallatin, and his friends*. Of all impostures that played off by the administration in the pretence of diminishing our taxes, is the most barefaced. It is true that New England paid a greater part of the internal taxes than the Southern States; but then the Southern States paid more in proportion than they pay of taxes assessed in any other mode, except on land. These taxes are repealed for the benefit of the wiskey drinkers. But the duties on imported articles were raised in the last session of Congress, *two and one half per centum*. This tax falls directly upon the consumers, among whom are our Yeomanry. It is made necessary to provide for two millions of dollars, which the President wants to enable him to fight the Tripolitans, and which he is authorized to borrow. This tax will operate more heavily than the whole internal txes which they have repealed. But the Tripolitans are not all he will have to fight. Louisiana will require a standing and a fighting army too.

(l)

At the last election, the Electors were chosen as follows, viz.

In New Hampshire, Massachusetts, Connecticut, Vermont, New York, New Jersey, Pennsylvania, Delaware, South Carolina, and Georgia, by the Legislature.

In Rhode Island, by a general ticket; in Virginia, by a general ticket, agreed upon by the members of the Legislature.

In Maryland and North Carolina, by the people in districts.

In Tennesee, by the People's representatives, that is, the people in each of the three districts chose three persons; and the nine persons thus chosen, appointed the electors.

(m)

The facility with which foreigners are naturalized is a subject of serious alarm. On the 26th of March 1790, a law was passed, providing that an alien, who had resided *two years* in the United States, might be naturalized, on taking the oaths of allegiance. It was soon found

that such a law was highly inexpedient ; and on the 29th of January 1795, another law was made, requiring that every alien should have made a declaration in same court of record, in the United States, at least, *three years* prior to his admission to the rights of citizenship, that it was his intention, when he came to the United States, to become a citizen thereof ; and it is, by the same law, required of the court, to be satisfied at the time of administering the oaths, that such alien had resided in the United States *five* years, and also that his moral character be good. It being found from experience, that this law enabled vast numbers of turbulent and dangerous foreigners, totally ignorant of the principles of civil liberty, and without any of the habits and dispositions of our countrymen, to become citizens, Congress made another law on the 18th of June 1798, whereby the rights of citizenship were unattainable without a previous declaration of five years standing, and a previous residence wihin the United States of *fourteen* years. The present administration repealed this law, and made one similar to that of January 29th 1795. But as this law did not admit their friends to the rights of suffrage, as easily as was wished, another law was made on the 26th of March 1804, by which, *any free white person* ; resident within the United States at any time, between the 14th of April 1802 and the 18th of June 1798 may become a citizen on application to any proper court, and offering to take the necessary oaths. We may expect the next law to be, that every one, who comes to this country, may be naturalized as soon as he can run from the ship which brings him to a court of record.

It is incredible what numbers of foreigners within these three last years, have been made citizens, almost all of whom are zealots for the present administration. In most countries the right of citizenship never can be had by an alien. In England they never can be had without a special act of Parliament, which invariably contains the provision that such naturalized person shall *never* hold any office under government. In Pennsylvania the turbulent aliens and bad citizens, who have gotten possession of power, are upon the point of quarreling with their old leaders, for not completing the work of ruin and innovation. Governour M'Kean has been denounced for opposing some of their violent measures, Mr. Gallatin, by whom they used to swear, is also threatened, and treated with more indelicacy than he ever experienced from his foes. One *Duane*, a foreigner, who charged WASHINGTON with crimes, and recommended the day of his resignation to be observed as a day of rejoicing, has more influence in that state than the Governour has. The moderate democrats are alarmed, and have began to publish books, and to set up news papers, in order to write down the *man Duane "who waxeth fat and kicketh."*

MOTION,

MADE IN THE LEGISLATURE, FOR PROPOSING AN ALTERATION

IN THE

CONSTITUTION OF THE UNITED STATES,

APPORTIONING THE

REPRESENTATION TO THE FREE POPULATION.

WHEREAS by the Constitution of the United States it is provided, that the Representatives shall be apportioned among the several States, according to their respective numbers, which shall be determined, by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons; and further, that for the choice of the President and Vice President of the United States, each State shall appoint a number of Electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

And whereas the said provisions were so manifestly unequal at the time the Constitution was formed, that they could have resulted only from the spirit of conciliation and compromise which influenced the Eastern States; because, in consequence thereof, a representation of the States is produced, unjust and injurious in its operation, both as it regards the number of free inhabitants in the several States and their property.

As in a state where the slavery of man is established by law, the slaves have no voice in the elections; but a Planter, possessing fifty slaves may be considered as having thirty votes, while a *farmer of Massachusetts*, having equal or greater property, is confined to a single vote.

And whereas the effect of these provisions, has been rendered still more unequal and injurious, by the course of events, since the Constitution was established, by an augmentation of the number of slaves, in the Southern States, and also by an increase of personal property in the Eastern States, arising from the commercial spirit of its inhabitants.

And whereas the said provisions have been rendered more injurious by important political changes, introduced during the present administration, in the purchase of Louisiana, an exten-

sive country, which will require a great number of slaves for its cultivation, and when admitted into the Union, agreeably to the cession, will contribute, by the number of its slaves, to destroy the real influence of the Eastern States in the National Government; and also in the alteration of the original mode of electing the *President* of the United States, whereby, in the appointment of that important Magistrate, the weight of the small States (among which are most of the Eastern States, where there are few or no slaves) is greatly diminished.

And whereas the apportionment of the direct tax, the only compensation proposed by the Constitution to the States, not holding slaves, for the aforesaid unequal principle in representation, is now merely nominal, as the national revenues are, principally, derived from commercial imposts, the present administration having repealed the excise laws, which operated in some measure by a Tax on Luxuries, to equalize among the several States the contributions to the *Publick* burthens; and having also recently assessed additional millions on commerce, of which the Eastern States must pay much more than their due proportion; so that instead of contributing less than their proportionate share of publick expense, as was contemplated by the Constitution, as a counterpart to unequal representation, they contribute more.

And whereas a Union of the States, a measure so important in its consequences, cannot, harmoniously, exist for a long period, unless it be founded on principles, which shall secure to all free citizens, equal political rights and privileges in the government, so that a minority may not govern a majority—an event, which, on the principles of representation now established, has already happened, and may always happen.

Therefore, to preserve the *Union* of the *States* upon sound and just *Principles*, and to establish a foundation for general harmony and confidence, among all the citizens of the United States, by securing to them now, and at all future periods, equal political rights and privileges.

MOVED,

That the Senators of this Commonwealth, in the Congress of the United States, be instructed to take all proper and legal measures to obtain an amendment of the Constitution of the United States, so that the Representatives be appointed among the several States according to the number of their Free Inhabitants respectively, and for this purpose that they endeavour to obtain a Resolution of two thirds of both Houses of Congress, proposing such amendment to the Legislatures of the several States in the Union, and that a Committee be raised to bring in a Resolve for that purpose.

SUBSTANCE

OF THE RESOLVE FOR APPOINTING ELECTORS.

THE inhabitants of the towns and plantations, qualified to vote for Representatives, are to meet in Town Meeting, on Monday, the fifth of November, and give in their votes for *Nineteen, Electors* of President and Vice President, whose names shall be in one Ticket, *and such Ticket shall contain the name of at least, one inhabitant of each District, which sends a Representative to Congress, by the Law of March* 10, 1802.

The Selectmen of towns, and Assessors of plantations, shall reject all votes that shall not contain the name of one inhabitant of each of said districts. The votes shall be sorted and counted, in open Town Meeting, and a list of the names of persons voted for, and of the number of votes of each person, shall be recorded; and a copy thereof, sealed and certified by the Selectmen, or Assessors and Clerk, respectively, in open Town Meeting, shall be returned to the Secretary's office, on or before the 17th of November; and on the 19th of November, the General Court shall examine the lists and returns, and determine and declare, who may be elected; and, if the whole number shall not appear to be chosen, the deficiencies shall be supplied by joint ballot of the Senate and House, in the same manner that vacancies in the Senate are supplied.

Vacancies and death, or resignation, to be supplied in the same mode, within thirty-four days preceding the first Wednesday in December.

The other clauses in the Resolve relate to the meeting of the Electors, the mode of returning votes, and the penalties attached to Selectmen and other Officers, for neglect of duty.